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C O N F I D E N T I A L SECTION 01 OF 02 BANGKOK 005041

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SUBJECT: PRE-ELECTION ROUND-UP: ELECTION LAWS, MILITARY
RESHUFFLE, CROWN PRINCE SCANDAL

REF: A. BANGKOK 4905 (EX-TRT FIGURES
[1](#)B. ARMY CHIEF)
[1](#)C. BANGKOK 4793 (RESHUFFLE)

Classified By: Ambassador Ralph L. Boyce, reason 1.4 (b) and (d).

[1](#)1. (C) SUMMARY: The new Army Chief will be GEN Anupong Paochinda, as widely anticipated. Current Army Chief Sonthi told the Ambassador he was not planning to run for Parliament, but would seek a political position in the new government to protect himself from those with "tremendous assets." The legislature is working to complete the laws needed to hold the elections; these must be passed by October [1](#)3. While there is a chance their entry into effect could be slowed if they faced a constitutional challenge, this does not appear likely. The current draft includes very tough penalties for parties and party leaders if their members engage in election fraud. A scandalous video of the Crown Prince and his wife is in wide circulation and has prompted more (but quiet) criticism of the unloved Prince. Fractures already threaten the recently-formed "For the Motherland" party. END SUMMARY.

ARMY DECISIONS

[1](#)2. (SBU) The long-awaited military reshuffle list was published on September 19. GEN Anupong Paochinda, a key actor in last year's coup, is the new army commander. GEN Saphrang Kalayanamitr, another leading participant in last year's coup, will move to deputy permanent secretary at the Ministry of Defense, a position widely seen as a consolation prize for the former front runner for the top Army job. GEN Montri Sangkasap, who was rumored to be the favorite of current Army Chief GEN Sonthi, will move to deputy supreme commander. Everyone will take his new position on October 1. New Army Chief Anupong declared, apparently without irony, that he would keep the military out of politics. (REF B)

[1](#)3. (C) Current Army Chief GEN Sonthi Boonyaratglin told the Ambassador on the margins of a social event that he was not planning to run for a seat in the next parliament. However, he did plan to take a political position when the dust settles. He noted that he had to protect himself from "those who have tremendous assets." We take this as further evidence that he is angling for a ministerial position in the new government. As we have noted, the defense minister portfolio is normally held by a retired general. GEN Sonthi

will retire as Army chief at the end of the month, but will remain as chairman of the Council for National Security (CNS) until the new government is installed.

LEGAL FRAMEWORK FOR ELECTIONS

¶4. (C) The National Legislative Assembly (NLA) is working on three key laws that form the framework for the upcoming elections: the Law on election of MPs and Senators, the Law on the Election Commission, and the Law on Political Parties.

An NGO working on election assistance told us that the drafts, which were prepared by the Constitution Drafting Assembly, were reportedly very weak. They showed signs of having been prepared under the pressure of the deadlines set out in the interim constitution, which required the draft legislation to be submitted to the NLA in mid-August. The NLA has until October 3 to pass the three laws, according to the deadline in the interim constitution (and affirmed in the adopted 2007 constitution.)

¶5. (C) According to Yuwarat Kamolvet, a member of the NLA drafting committee, the draft laws will be ready for submission to the full NLA at the end of this week. Given the fractious nature of the NLA, this is a tight deadline to permit debate and ensure that the laws finally adopted are consistent internally and with the constitution. The latter is particularly important. NLA member and staunch anti-Thaksin activist Prasong Soonsiri has warned that the constitutionality of these laws could be challenged, leading to Constitutional Court review before they could go into effect. (According to the 2007 Constitution, one-tenth of the members of Parliament can call for constitutional court

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review of any legislation after it has passed. It is not clear how this would be applied to the existing structure of the NLA and the Constitutional Tribunal.) Our NLA source admitted that a constitutional challenge was theoretically possible; this was why, he said, they were being very careful to ensure that there were no legal weaknesses in the final versions. He anticipated that the projected election date of December 23 would hold.

¶6. (C) Political parties have raised concerns that new laws will impose excessive penalties on politicians and parties for election transgressions. Yuwarat said that the current draft includes stiff penalties for parties and their leaders if they know party members are involved in election fraud and do not intervene. We pointed out that severe penalties of this kind could eventually lead to the decimation of Thailand's political class, as most parties appeared to have at least some members who engaged in vote-buying or other transgressions. Yuwarat defended the decision. First of all, he noted that nothing so far had worked in reining in campaign abuses, and so tougher measures were necessary. Candidates who engaged in vote-buying were not spending their own money, for the most part; they were getting funding from their party and its leadership. Yuwarat predicted also that the toughest penalties would rarely be imposed. The cases would be considered by the courts, and he expected the parties to have better lawyers than the prosecution, and would be able to defend themselves against unfair charges.

SCANDALOUS VIDEO

¶7. (C) A disturbing video of the Crown Prince and his wife is in wide circulation here, after being posted on website VEOH.com. The video, which is reportedly several years old, shows the CP and his wife at a birthday party in a garden after dark. The wife is wearing nothing but a G-string and a smile as she lights the birthday candles. The video shows servants waiting on the table, and the flash of photographs being taken. According to a number of contacts, this is being passed around on DVD, both in Bangkok and in the

provinces; the tawdry incident has provoked more (but
whispered) criticism of the CP.

MOTHER'S NOT QUITE HERSELF TODAY

18. (SBU) The recently announced merger of post-Thai Rak Thai
(TRT) elements with the Pracharaj party is already showing
strains. Several dozen former MPs loyal to Matchima leader
Somsak have threatened to leave "Peua Pandin" (For the
Motherland.) Their chief concern appears to be how the
Motherland party would solve the conflicts when each faction
has MPs who want to run in the same constituencies. They
have threatened to jump ship and declare their allegiance to
the other new coalition (Ruam Jai Thai/Chart Pattana).
Leaders of the Motherland factions are in negotiations to
heal the rift. (REF A)

BOYCE